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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		Boer 8-28-6-6	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents P O Box 1450 Alexandria VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number  10/672,657		
		Filed  9/26/03	
		First Named Inventor  Boer et al.	
		Art Unit  2616	Examiner  P. Sinkantarakorn

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request

This request is being filed with a notice of appeal

The review is requested for the reason(s) stated on the attached sheet(s)

Note: No more than five (5) pages may be provided

I am the

applicant/inventor  
 assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed  
(Form PTO/SB/96)  
 attorney or agent of record  
Registration number 36,597  
 attorney or agent acting under 37 CFR 1.34  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

/Kevin M. Mason/

Signature

Kevin M. Mason

Typed or printed name

(203) 255-6560

Telephone number

April 21, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required  
Submit multiple forms if more than one signature is required, see below\*.

<input type="checkbox"/>	*Total of _____ forms are submitted.
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Patent Application**

5      Applicant(s): Boer et al.  
Case:            8-28-6-6  
Serial No.:       10/672,657  
Filing Date:     September 26, 2003  
Group:           2616  
10     Examiner: Pawaris Sinkantarakorn  
  
Title:          Method and Apparatus for Detecting a Collision in a Carrier Sense Multiple Access Wireless System

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**MEMORANDUM IN SUPPORT OF  
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

20      Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
  
25

Sir:

The present invention and prior art have been summarized in Applicants' prior  
30     responses.

**STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The present application was filed on September 26, 2003 with claims 1 through  
23. Claims 1-10 and 18-23 are presently pending in the above-identified patent application  
Claim 1 is proposed to be amended herein. Claims 1, 5-6, 8-10, 11, 15 and 16 are rejected under  
35 U.S.C. §102(b) as being anticipated by Wang et al. (United States Patent No 5,721,733),  
claims 2, 7, 12, 17, 18, and 20-23 are rejected under 35 U.S.C. §103(a) as being unpatentable  
over Wales in view of Curivan et al. (United States Patent Application Publication Number

2003/0026283), and claims 3, 4, 13, 14, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wang in view of Curriyan et al. as applied to claims 1, 2, 11, 12 and 18 above, and further in view of Fukuhara (United States Patent Number 6,643,296).

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## ARGUMENTS

### Independent Claims 1, 11 and 18

Independent claims 1 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Wales, and claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Curriyan. Regarding claim 18, the Examiner acknowledges that Wales does not disclose that the collision detector evaluates an energy level and detects a collision based on the energy level. The Examiner asserts, however, that Curriyan et al. discloses a collision detection module that evaluates a power indication signal (citing par. 0072), and detects a collision *based on the evaluated power indication signal* (citing par. 75 and Table 1). In the Advisory Action, the Examiner asserts that Curriyan discloses that a comparator receives a SNR indication signal and a threshold signal having a threshold value T2, then the comparator compares these inputs and generates an output signal 459 that indicates the result of this comparison (paragraph 74) and that a collision is detected when the output signal 459, which indicates the average SNR of a burst transmission, is low.

Applicants note that independent claim 11 has been cancelled and independent claim 1 has been amended to conform it to the scope of original claim 18.

First, to be precise claim 18 and claim 1 do not merely require “detect(ing) a collision based on the evaluated power indication signal,” as suggested by the Examiner. Rather, claim 18 and claim 1, as amended, require “detect(ing) a collision of said acknowledgement message *if a measured energy level exceeds a predefined threshold*.”

In par. 0076 of Curriyan et al., it is clear that output signal 457 indicates the power of the data portion of a burst transmission. In Table 1, it is clear that output signal 457 does **not** correlate with whether a collision is detected. In fact, a collision can be detected if the output signal 457 is high (second row), medium (fourth row), low (sixth row) or high (seventh

row). Thus, a collision is not detected in Curriyan et al. “*if a measured energy level exceeds a predefined threshold,*” as required by independent claims 1 and 18, as amended.

Regarding the Examiner’s assertion that Curriyan discloses that a collision is detected when the output signal 459 indicates the average SNR of a burst transmission is low,

5 Applicants note that a SNR is a *signal-to-noise ratio* and is *not* a measured *energy level* (i.e., not a measured level of energy), as would be apparent to a person of ordinary skill in the art.

Thus, Wales, Curriyan, and Fukuhara, alone or in combination, do not disclose or suggest a collision detector that monitors a wireless medium for collisions of said acknowledgement message *if a measured energy level exceeds a predefined threshold*

10 Dependent Claims 2-10 and 19-23

Dependent claims 5, 6, and 8-10 were rejected under 35 U.S.C. §102(b) as being anticipated by Wales, claims 2, 7, and 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Curriyan, and claims 3, 4, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Curriyan and further in view of 15 Fukuhara.

Claims 2-10 and 19-23 are dependent on claims 1 and 18, respectively, and are therefore patentably distinguished over Wales, Curriyan, and Fukuhara, alone or in combination, because of their dependency from independent claims 1 and 18 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

20 All of the pending claims, i.e., claims 1-10 and 18-23, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Boer 8-28-6-6  
Confirmation No.: 2318

The Examiner's attention to this matter is appreciated

Respectfully submitted,

/Kevin M. Mason/

5 Date: April 21, 2008

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